

REMARKS

This Amendment and Response is submitted in response to the Office Action mailed 2 DECEMBER 2003. Withdrawal of the rejection and reconsideration with an eye toward allowance is respectfully requested.

Claim Status

Claims 2-3, 5, 14-25, 30-32, 36, and 41-50 are pending after entry of the present amendment. Claims 1-13, 17, 18, 22-24, 26-35, and 37-40 stand rejected, and the Examiner objected to claims 14-16, 19-21, 25, and 36. Claims 2, 3, 5, 14-25, 30-32 and 36 are amended herein. Applicant submits that at least the amendments to Claims 2, 3, 16-18, and 20-25, do not effect the scope of the claims. Claims 1, 4, 6-13, 26-29, 33-35, and 37-40 are cancelled without prejudice or disclaimer towards presenting them in a related application, and Claims 41-50 are added. A complete listing of all claims that are, or were in the application, along with an appropriate status identifier, is provided above in the section entitled "Amendments to the Claims". Markings are provided on claims amended in the present amendment.

Support for the above claim amendments can be found throughout the originally filed specification, drawings, and claims.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-13, 17, 18, 22-24, 26-35 and 37-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmacht (6,424,512).

Without admitting the propriety of the rejection, Applicant has cancelled Claims 1, 4, 6-13, 26-29, 33-35 and 37-40. Applicant has amended the remaining claims to depend from and include all limitations of claims indicated as containing allowable subject matter by the Examiner (Claims 14-16, 19-21, 25, and 36, see Office Action page 4). Further, Applicant submits that independent Claim 5 recites "a latch coupled between the monitoring circuit and both the charging circuit and the system, configured to receive a signal from the monitoring circuit, the latch further configured to maintain the charging circuit in at least a deactivated state as signaled by the monitoring circuit". This feature is not disclosed, taught, or suggested by Schmacht, as conceded by the Examiner (see Office Action, page 4). Accordingly, Applicant submits that independent Claim 5 is also patentable over Schmacht.

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Accordingly, Applicant submits that the claims are in condition for allowance, and the 35 U.S.C. §103(a) rejection over Schmacht should be withdrawn.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication of allowable subject matter in Claims 14-16, 29-21, 25, and 36. Applicant has amended the claims to place them in condition for allowance. Applicant further submits that independent Claim 5 recites features indicated by the Examiner as being allowable.

New Claims

Applicant has added new Claims 41-50 that depend from and include all limitations of independent claims indicated by the Examiner as containing allowable subject matter.

Accordingly, Applicant submits that Claims 41-50 are patentable over the cited art.

CONCLUSION

Applicants submit the claims are in condition for allowance, and notification of such is respectfully requested. If after review, the Examiner feels there are further unresolved issues, the Examiner is invited to call the undersigned at (415) 781-1989.

Respectfully submitted,

DORSEY & WHITNEY LLP

By _____
Jennifer M. Lane, Reg. No. 51,916
for Edward N. Bachand, Reg. No. 37,085

Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249
SF-1133336